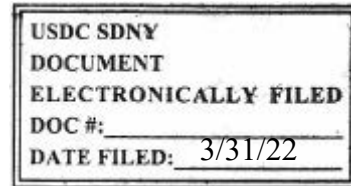


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Benthos Master Fund, Ltd.,

Petitioner,

—v—

Aaron Etra,

Respondent.

20-CV-3384 (AJN)

ORDER

ALISON J. NATHAN, Circuit Judge, sitting by designation:

On March 14, 2022, Magistrate Judge Parker issued a Report & Recommendation recommending that Respondent Etra be held in civil contempt. Dkt. No. 95. Any objections to that R&R were to be due March 28, 2022. On March 22, 2022, Etra requested an extension to file any objections and that he be appointed counsel to prepare his objections. Dkt. No. 97. Judge Parker ordered Petitioner Benthos respond to the letter by March 25, 2022. Dkt. No. 96. Benthos opposes Etra's request to be appointed counsel and consents to a 30-day extension of the deadline to object only if Etra complies with three requests for previously requested information and files IRS Form 2848 for his income taxes. Dkt. No. 99. Etra filed an additional letter renewing his requests on March 29, 2022. Dkt. No. 100.

As to Etra's request for an extension, the Court GRANTS IN PART Etra's request. Within seven days of the date of this order, Etra shall either file his objections to Judge Parker's R&R or file a letter that satisfies the discovery requests at pages 3 to 4 of Plaintiff's letter, Dkt. No. 99. Specifically, and as more fully described in Plaintiff's letter, Etra's letter must provide:

1. His monthly living expenses since August 1, 2018.

2. Current contact information, including all known telephone numbers, mailing addresses, and email addresses, of Koraljka Troselj.
3. Escrow agent agreements entered into by Etra as well as all of Etra's banking records. These records are identified with particularity at pages 31 and 32 of Judge Parker's R&R. Dkt. No. 95.
4. Proof that Etra has executed IRS Form 2848 so that he may confirm his claim that he has not filed income tax returns.

Information that Etra believes should not be filed on the public docket should be provided simultaneously by email to the Court and Plaintiff, accompanied by a request to keep the information sealed. That request should state with particularity why sealing is justified for each document. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006) (identifying the factors necessary to justify sealing of documents).

If Etra files within one week of this order a letter that satisfies, in good faith, the above four requests, then the deadline for him to file objections to Judge Parker's R&R will be extended by an additional 30 days.

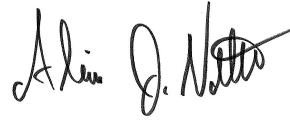
As to Etra's request for counsel, the Court DENIES Etra's request that he be appointed counsel at public expense. Dkt. No. 97 at 3. "[I]t is well-settled that, except when faced with the prospect of imprisonment, a litigant has no legal right to counsel in civil cases." *Guggenheim Cap., LLC v. Birnbaum*, 722 F.3d 444, 453 (2d Cir. 2013). Judge Parker's R&R recommends only that Etra face financial sanctions, not imprisonment. He therefore is not entitled to appointed counsel.

The Court does, however, wish to inform Etra that a legal clinic opened in this District to assist people who are parties in civil cases and do not have lawyers. The Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the Pro Se Intake Unit). During the

COVID-19 pandemic, an unrepresented party can make an appointment by completing the intake form available online at <https://www.nysd.uscourts.gov/attorney/legal-assistance> or by calling (212) 659-6190.

SO ORDERED.

Dated: March 31, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is positioned above a horizontal line.

ALISON J. NATHAN
United States Circuit Judge
Sitting by designation